

REMARKS

Reconsideration of the above-referenced application is respectively requested in view of the above amendments and these remarks. Claims 1-2 and 11-12 are currently pending.

According to the Office Action, claims 1-2 and 11-12 are rejected under 35 U.S.C. § 103(e) as being unpatentable over United States Patent No. 7,003,298 to Jagadeesan et al. in view of United States Patent Application No. 2003/0003915 to Foster et al. Applicants have amended claims 1 and 11 to clarify the claimed invention and to obviate the rejection. In particular, Applicants have amended claims 1 and 11 to state that the on-hold call is a call placed on-hold when the wireless communication unit is in the first communication network. As stated, both the claimed wireless communication unit and the network switch include a controller that manages and retrieves an on-hold call on the first communication network after the wireless communication unit is handed out from the first communication network to the second communication network. The amendment to the claims clarifies when the call is placed on hold, i.e. when the wireless communication unit is operating in the first communication network. The on-hold call is managed and retrieved via a call leg established to support the on-hold call while the wireless communication unit is operating in the second communication network. In other words, the wireless communication unit is able to access and manage a call that is maintained on the first network while the wireless communication unit is connected to the second network.

As found in the claims, the present invention is for an on-hold call that remains on the wireless communication unit and when the call is placed on hold when the wireless communication unit is in the first communication network. Moreover, the on-hold call is managed on the first communication network by a call leg while the wireless communication unit is operating in the second communication network. In other words, the call leg maintains a connection to the first communication network when the wireless communication network is in the second communication network. This call leg's purpose is to support the on-hold call, which is placed on hold in the first communication network, in the first communication network.

Jagadeesan is directed to devices, software methods that hand off a live call from an original leg of a first modality (such as a Circuit Switched Voice) to an alternate leg of another modality (such as Voice over Internet Protocol.) Foster also concerns handoff and is directed to an apparatus, method and system for handoff of a communication session in a mobile wireless communication system, from the serving base station to a target base station, utilizing a shared directory number associated with a first terminal of the serving base station which is providing the communication session with the mobile unit through a first call path. The serving base station includes a second terminal having the shared directory number associated with the first terminal. A switch, coupled to the serving base station and to the target base station, is configured, upon reception of a message from the serving base station, to establish a second call path from the second terminal of the serving base station to the target base station, and to bridge the second call path with the communication session of the first call path to form a multiway communication session, with the multiway communication session including a bridged call path to the target base station. Upon the communication of the mobile unit with the target base station for continuation of the communication session through the bridged call path, the serving base station is released from the multiway communication session.

Paragraphs [0031]-[0032] of Foster are cited as disclosing the claimed call leg of the on-hold call. These paragraphs indicate that the second call path is placed on hold during the Foster's described handoff process. It is clear that the call is placed on-hold when the mobile unit is in the second communication network. As indicated above, the claims have been amended to indicate that the on-hold call is formed when the mobile unit is in the first communication network. Foster does not suggest that the call is placed on-hold when the mobile unit is in the first communication network. Foster is directed to handoff procedures. During the handoff, a second call path is placed on-hold as a part of the process. This is different from Applicants' claimed invention that is directed to maintaining a call that is placed on-hold when the wireless communication unit moves from a first communication network, where the on-hold call resides, to a second communication network. Applicants' invention is not directed to handoff of calls, like Jagadeesan and Foster.

In view of the foregoing, it is respectfully submitted that Jagadeesan and Foster do not disclose, teach or otherwise suggest many of the claim limitations. In particular, it is respectfully submitted that the combination of Jagadeesan and Foster do not make the association of the controller managing a retrieving an on-hold call, which is a call placed on-hold when the wireless communication unit is in the first communication network, on the first communication network after a handout of the wireless communication unit from the first communication network to the second communication network via a call leg that is established to support the on-hold call while the wireless communication unit is operating in the second communication unit. In view of the foregoing, Applicants therefore respectfully submit that the present invention as expressed in independent claims 1 and 11 is patentable and non-obvious over the cited combination. As claim 2 depends on claim 1 and claim 12 depends on claim 11, Applicants also submit that these dependent claims are patentable over Jagadeesan and Foster for the same reasons. Applicants request that the rejection under Section 103(a) be withdrawn.

As the Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to **50-2117**.

Respectfully submitted,
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